

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**October 17, 2012**

**Elisabeth A. Shumaker  
Clerk of Court**

ISSAC P. JACKSON,

Plaintiff - Appellant,

v.

MIKE MULLIN; TERRY MARTIN;  
EUGENIA SHERRON,

Defendants - Appellees.

No. 12-7065  
(D.C. No. 6:11-CV-00013-RAW-SPS)

**ORDER**

Before **LUCERO, GORSUCH**, and **HOLMES**, Circuit Judges.

Mr. Jackson seeks to appeal from the district court's March 27, 2012 dismissal of his civil rights case. Based upon his response to this court's order of September 19, 2012, and based upon a review of the file as a whole, the court concludes that this appeal is untimely.

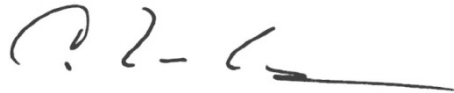
Pursuant to Fed. R. App. P. 4(a)(1)(A) (30 days for filing a notice of appeal in a civil case), Mr. Jackson's notice of appeal was due on or before April 26, 2012. It was not filed until May 4, 2012. Mr. Jackson has failed to show that anything that could be construed as a notice of appeal was filed (or mailed in compliance with the prison mailbox rule - Fed. R. App. P. 4 (c)) on or before the April 26 due date. He did not request an extension of time from the district court to file his notice of appeal and this

court cannot grant such an extension. *See* Fed. R. App. P. 4 (a)(5) and *Alva v. Teen Help*, 469 F.3d 946, 950 (10<sup>th</sup> Cir. 2006) (court of appeals lacks authority to find excusable neglect and extend the time for filing notice of appeal; only the district court may do so).

Because the notice of appeal was untimely, this court lacks jurisdiction to consider this appeal. *Bowles v. Russell*, 551 U.S. 205 (2007).

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Christine Van Coney', with a long horizontal stroke extending to the right.

by: Christine Van Coney  
Counsel to the Clerk